

PHYSICIAN ASSISTANT COMMITTEE  
SPECIFIC LANGUAGE OF PROPOSED CHANGE

1399.571. Citable Offenses.

(a) The executive officer shall consider the following factors when determining the amount of an administrative fine:

- (1) The good or bad faith exhibited by the cited person.
- (2) The nature and severity of the violation.
- (3) Evidence that the violation was willful.
- (4) History of violations of the same or similar nature.
- (5) The extent to which the cited person has cooperated with the committee.
- (6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.
- (7) Such other matters as justice may require.

~~The amount of any fine to be levied by the executive officer shall take into consideration the factors listed in subdivision (b)(3) of Section 125.9 of the code and also the extent to which such person has mitigated or attempted to mitigate any damage or injury caused by the violation. The fine shall be within the range set forth below.~~

~~(a)~~ The executive officer may issue a citation under section 1399.570 for a violation of the provisions listed in this section. The fine for a violation of the following code sections shall be from \$100 to \$ 5000 ~~2500~~.

- (1) Business and Professions Code Section 119
- ~~(42)~~ Business and Professions Code Section 125
- ~~(23)~~ Business and Professions Code Section 125.6
- ~~(34)~~ Business and Professions Code Section 475(a)(1)
- ~~(45)~~ Business and Professions Code Section 490
- ~~(56)~~ Business and Professions Code Section 496
- ~~(67)~~ Business and Professions Code Section 580
- ~~(78)~~ Business and Professions Code Section 581
- ~~(89)~~ Business and Professions Code Section 582
- ~~(910)~~ Business and Professions Code Section 583
- ~~(101)~~ Business and Professions Code Section 584
- ~~(142)~~ Business and Professions Code Section 650
- ~~(123)~~ Business and Professions Code Section 650.1
- ~~(134)~~ Business and Professions Code Section 651
- ~~(145)~~ Business and Professions Code Section 654
- ~~(156)~~ Business and Professions Code Section 654.1
- ~~(167)~~ Business and Professions Code Section 654.2
- ~~(178)~~ Business and Professions Code Section 655.5
- ~~(189)~~ Business and Professions Code Section 655.6
- ~~(4920)~~ Business and Professions Code Section 810.

(~~201~~) Business and Professions Code Section 2021.  
(~~212~~) Business and Professions Code Section 2052  
(~~223~~) Business and Professions Code Section 2054  
(~~234~~) Business and Professions Code Section 2234(a)  
(~~245~~) Business and Professions Code Section 2234(e)  
(~~256~~) Business and Professions Code Section 2236  
(~~267~~) Business and Professions Code Section 2242  
(~~278~~) Business and Professions Code Section 2250  
(~~289~~) Business and Professions Code Section 2252  
(~~2930~~) Business and Professions Code Section 2253  
(~~301~~) Business and Professions Code Section 2254  
(~~312~~) Business and Professions Code Section 2255  
(~~323~~) Business and Professions Code Section 2256  
(~~334~~) Business and Professions Code Section 2257  
(~~345~~) Business and Professions Code Section 2258  
(~~356~~) Business and Professions Code Section 2261  
(~~367~~) Business and Professions Code Section 2262  
(~~378~~) Business and Professions Code Section 2263  
(~~389~~) Business and Professions Code Section 2264  
(~~3940~~) Business and Professions Code Section 2271  
(~~401~~) Business and Professions Code Section 2272  
(~~412~~) Business and Professions Code Section 2273  
(~~433~~) Business and Professions Code Section 2274  
(~~434~~) Business and Professions Code Section 2285  
(~~445~~) Business and Professions Code Section 2287  
(~~456~~) Business and Professions Code Section 2289  
(~~467~~) Business and Professions Code Section 2400  
(~~478~~) Business and Professions Code Section 2415  
(~~489~~) Business and Professions Code Section 3502  
(~~4950~~) Business and Professions Code Section 3502.1  
(~~501~~) Business and Professions Code Section 3541  
(~~512~~) Business and Professions Code Section 3542  
(~~523~~) Business and Professions Code Section 3543  
(~~534~~) Business and Professions Code Section 3544  
(~~545~~) Business and Professions Code Section 3545  
(~~556~~) Business and Professions Code Section 17500  
(~~567~~) Health and Safety Code Section 102795  
(~~578~~) Health and Safety Code Section 102800  
(~~589~~) Health and Safety Code Section 11190  
(~~5960~~) Health and Safety Code Section 11191  
(~~601~~) Health and Safety Code Section 11215  
(~~612~~) Title 16 Cal. Code Regs. 1399.511  
(~~623~~) Title 16 Cal. Code Regs. 1399.521  
(~~634~~) Title 16 Cal. Code Regs. 1399.524  
(~~645~~) Title 16 Cal. Code Regs. 1399.538  
(~~656~~) Title 16 Cal. Code Regs. 1399.539

(~~667~~) Title 16 Cal. Code Regs. 1399.540  
(~~678~~) Title 16 Cal. Code Regs. 1399.541  
(~~689~~) Title 16 Cal. Code Regs. 1399.543  
(~~6970~~) Title 16 Cal. Code Regs. 1399.545  
(~~701~~) Title 16 Cal. Code Regs. 1399.546

(~~b~~c) In his or her discretion, the executive officer may issue a citation with an order of abatement without levying a fine for the first violation of any provision set forth above.

(d) For the issuance of a citation that includes an administrative fine in excess of \$2,500, including a citation issued pursuant to Section 1399.573, the executive officer shall determine that at least one of the following circumstances apply:

- (1) The citation involves a violation that presents an immediate threat to the health and safety of another person.
- (2) The citation involves multiple violations of the provisions specified in subdivision (b) that demonstrate a willful disregard of the law.
- (3) The citation involves a violation or violations perpetrated against a senior citizen, a person under 18 years of age, or disabled person.

Note: Authority cited: Sections 125.9, 148 and 3510, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.